

## Promoting gender equality in the new Scotland: rhetoric not reality

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# BRITISH POLITICS REVIEW

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## Decentralising Britain

10 years of Scottish and Welsh devolution

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Ailsa McKay • Russell Deacon • Angela O'Hagan  
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The hemicycle of the Scottish Parliament (left) meets the adversarial structure of the House of Commons. Does devolution herald a new and more inclusive politics in Britain?

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## Editorial

### Territorial innovation in a traditional state

"The Irish demand and the Welsh demand for devolution", wrote a young Winston Churchill in *The Times* in 1904, "ought not to go forward separately, but together hand in hand". Churchill's proposed solution was one of administrative Home Rule – delegating powers away from London while maintaining the superiority of Parliament. Such ideas of coordinated devolution to the constituent parts of Britain (promoted by Liberal voices as "Home Rule all around") were never brought to fruition in the early 1900s. More than a century later, as the Scottish Parliament and the National Assembly for Wales celebrate their first decade, *asymmetry* has become a defining feature of devolution. A set of institutions now exist in Scotland, Wales and Northern Ireland, each with different powers, interests and relations with London.

Devolution implied a strategy of granting limited measures of self-government to Scotland and Wales (Northern Ireland having its separate arrangements) while leaving untouched the powers and composition of the UK Parliament. Public finances, the unitary civil service and the social security system were intended to continue as before. The devolved administrations in Edinburgh and Cardiff have been granted tasks previously handled through the Scottish and Welsh Offices, thus democratising an existing administrative structure while leaving Parliament in Westminster intact. It was possible to contain the internal tension of the devolved settlement while times were good – with Labour dominating all three British governments, presiding over a healthy economy and a continuous growth in public spending.

The times are not so good any more. Labour in London is now faced with a Labour/Plaid Cymru coalition in Wales, a minority Scottish National Party government in Scotland, greater pressure on public finances and the likelihood of a Conservative UK Government by the summer of 2010. Political practice has shown the non-revolutionary side of the SNP and PC, whose support seems to reflect traditional left-right issues as much as claims for independence. While the process lingers on, the future is uncertain. Devolution is an unfolding experiment, "a process, not an event" as it was once described by Ron Davies, former secretary of state for Wales.

The present issue of *British Politics Review* marks the ten years that have passed since the first devolved elections of 1999. Our eminent team of guest contributors includes Peter Hain, John Redwood, Charlie Jeffery, Ailsa McKay, Angela O'Hagan, Russell Deacon, Alan Trench and David S. Moon. Together, they address the broad canvas that is the devolved Britain of 2009: a political experiment in a conservative state which may see further reforms propel back to London in the years to come.

Øivind Bratberg and Kristin M. Haugevik, Editors

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# Devolution ten years on: past achievements and ideas for the future

By British Politics Review Guest Writer Peter Hain, Member of Parliament for Neath

*Peter Hain (Labour) is a former secretary of state for Wales (2002-08). Among a number of ministerial briefs, he has also been secretary of state for Northern Ireland (2005-07) and for work and pensions (2007-08) as well as Leader of the House of Commons (2003-05). First elected to Parliament in 1991, Hain is an important contributor to public debates on issues such as democratic renewal, electoral reform and devolution.*



Devolution in Wales has been an unquestionable success. Since that historic night when the referendum to establish it was so narrowly won in 1997, and the first elections in 1999, the Welsh Assembly has evolved and matured.

Wales in 2009 is a more self-confident and outward looking nation than in 1999. Ten years on the Welsh economy has been transformed albeit now badly hit like everywhere else by the global recession. Standards in health and education have risen and crime has fallen. The Assembly has pioneered made in Wales laws such as free prescriptions, free bus travel for pensioners and the smoking ban which England subsequently made law. A Children's Commissioner and Old Persons Commissioner have been other firsts for Wales under the Assembly which has also contained more women than any other

legislature in the world.

After decades of voting Labour but enduring a Conservative government in Westminster Wales has benefited from having a Labour administration both in London and in Cardiff. With devolution democracy has come closer to the people of Wales.

It has been a long road to get to where we are today and a major new development was the Government of Wales Act 2006 which I introduced as Secretary of State for Wales. The groundbreaking act put primary law making powers on the statute ready to be activated once the people of Wales support such a change in a referendum. Meanwhile, for the last two years the Assembly has been getting to grips with their new enhanced legislative powers provided by the Act. The system has been streamlined so that Welsh Assembly Government priorities for legislation are secured more quickly and easily.

The Act settled once and for all the constitutional debate in Wales allowing the Assembly to focus on delivering the right policies for the people of Wales. Since 2007 when the Act came into force the Assembly has gone from strength to strength, even though the new process has been a steep learning curve for both Cardiff Bay and Westminster. Essentially it has replaced the need for Bills to be introduced at Westminster granting extra powers, with Legislative Competence Orders that go through much more quickly and therefore frequently.

"This is not a time to start calling for a referendum to activate full law making powers as some are advocating. Public opinion may have warmed to the Assembly but the jury is still out on giving it more powers."

So where next? Devolution has come on leaps and bounds but now is time to let the settlement bed down, for the Assembly members to get used to the new powers and for the people of Wales to understand much better what goes on in Cardiff Bay. Opinion polls show that public support for the Assembly has risen. Welsh Government Ministers are becoming household names and Welsh news reports are dominated by events from the Assembly.

It is easy to get carried away with the success of devolution and forget that the system is still quite young. Finding its feet is key to future success. This is not a time to start calling for a referendum to activate full law making powers as some are advocating. Public opinion may have warmed to the Assembly but the jury is still out on giving it more powers. Currently there is no consensus amongst

the public about the need for primary powers. Without a significant shift in public opinion it is very clear to me that a referendum to introduce them would be lost.

As a supporter of primary powers and a pro-devolutionist, when the time is right I'll be campaigning for the referendum but it will not happen overnight, in my

view not until we are well into the next decade at least. The Wales we see today is significantly different to Wales ten years ago and this is down to devolution and the impact it's had. But devolution is a work in progress and in the next ten years it will continue to evolve.

## Facts on devolution

Devolution refers to the regionalisation or decentralisation of political power in the UK. It has been used as a label for various designs of self-government in Ireland, Scotland and Wales. Historically, the concept was often used to denote a limited form of Home Rule, under which the supremacy of London would be maintained.

In Ireland, the question was given a separate solution with the establishment of the Irish Free State (1922).

The particular significance of Scottish interests were acknowledged by the UK government with the introduction of the Scottish Office (from 1885) headed by a secretary for Scotland (from 1926 elevated to a secretary of state). Similar institutions for Wales came much later, the Welsh Office with a secretary of state being introduced by Harold Wilson's Labour government in 1964-65.

The Royal Commission on the Constitution (1969-73) considered a range of territorial models for the UK, and concluded by favouring directly elected assemblies for Scotland and Wales.

Scottish and Welsh referenda in 1979 failed to produce sufficient majorities in support of devolution.

The incoming Labour government in 1997 introduced referenda for a **Scottish Parliament** (with primary legislative and limited tax-varying powers) and a **National Assembly for Wales** (with secondary legislative and no tax-varying powers).

The two legislatures (supported in by 74,3% in Scotland and a marginal 50,3% in Wales) were introduced by Acts of Parliament in 1998 and the first elections were held on 6 May 1999.

# Devolution has weakened, not strengthened, the United Kingdom

By British Politics Review Guest Writer John Redwood, Member of Parliament for Wokingham

**John Redwood (the Conservative Party) is a former secretary of state for Wales (1993-95). A Member of Parliament since 1987, he also served in the shadow Cabinet in 1997-2000 and 2004-05. Redwood is a prolific writer on issues such as the European Union and British constitutional affairs. Having contested the party leadership in 1995 and 1997, he today chairs the No Turning Back Group and the party's policy review on economic competitiveness.**



Northern Ireland elect representatives to their own parliaments to deal with matters that affect only these parts of the United Kingdom, people in England now question why MPs from Scotland, Wales and Northern Ireland can vote on exclusively English matters. As the MP for a Scottish constituency, Gordon Brown can make decisions on a range of policies such as health, education and housing in England, but any decisions he makes will not affect his own constituents because these matters are all devolved to the Scottish Parliament. The Chancellor, Alistair Darling, has to decide how best to allocate money for schools, hospitals and the police in England, but he cannot decide how much money is spent on these services in his home country of Scotland, as this is also an issue that is now the responsibility of Holyrood.

Many of the controversial measures introduced by this government which effect only England have been passed despite most English MPs voting against them. The government had to rely on the votes of Scottish MPs to introduce foundation hospitals and top-up tuition fees in England, yet neither Scottish nor English MPs in Westminster were able to vote to bring in the same measures in Scotland. The fact that people in England feel this is unfair should not have come as a surprise to the government. It was first identified as a risk back in the 1970s, when it was dubbed the West Lothian Question after the MP who raised fears that it would damage the integrity of

the union.

Allied to this is a feeling that public spending in Scotland and Wales is much more generous than it is in England. Owing to the Barnett Formula, the government's preferred method of calculating how public expenditure should be distributed throughout the United Kingdom, people in Scotland receive £8.623 per head of public spending each year. People in Wales receive £8.139, and in Northern Ireland the figure is £9,385, but the English receive only £7,121.

"For English patriots like myself, it is disheartening to see the government so reluctant to acknowledge England as a distinct nation with a right to the same representation as that enjoyed by the other nations of Britain."

When the Labour government first introduced plans for devolved parliaments in Scotland, Wales and Northern Ireland back in 1997, I warned that far from strengthening the United Kingdom, devolution would actually make it weaker. Ten years after the first elections to the new Scottish Parliament and the National Assembly for Wales, Alex Salmond sits in Bute House as Scotland's first nationalist First Minister, Labour and Plaid Cymru coexist uneasily in a coalition government in Cardiff, and more and more people in England question the benefit of a union that withstood the challenges of Jacobitism, industrialisation, the Napoleonic campaigns and two world wars.

The problem with the devolution settlement is essentially one of fairness. Now that Scotland, Wales and

The situation is actually more complicated than it appears. These figures mask regional variations in public spending in England. Londoners, for example, receive the highest level of public spending in the UK. The Scottish Parliament receives its funding via a block grant from the Treasury, meaning that if it wishes to increase spending on, say, healthcare, it either has to raise taxes or cut expenditure elsewhere in Scotland. But owing to Alex Salmond's support for populist spending policies in Scotland, such as free prescriptions and care for the elderly, the general feeling in England is that the system gives the Scots a better deal than the English. This was a minor irritation during the good economic times. In the current climate the English's tolerance threshold is likely to be a lot lower.



**Devolution's architectural face.** The new buildings of the Scottish Parliament (left) and the National Assembly for Wales (right) have given authority and a sense of permanence to the devolved settlement - but they have also proved to be hugely costly projects.

photograph: public domain



# Devolution has weakened, not strengthened the UK (cont.)

By John Redwood

A few years ago, the government sought to paint over the cracks they have created in the United Kingdom by breaking England up into artificial regions with their own elected assemblies. This was deeply unpopular, and in the only region where people were allowed to say the overwhelming majority were opposed to the plan. The regional boundaries selected by the government were artificial and based on the huge constituencies used for elections to the European Parliament elections. This solution ignored the fact that what the English opposed was not just the West Lothian Question, but the government's ambiguity over whether such a nation as "England" existed at all. The British-Irish Council, for example, is made up of representatives from the UK, Ireland, Ulster, Scotland and Wales, but not from England.

We have a secretary of state for Wales (a title that I, as an English MP, was proud to hold in the 1990s), a secretary of state for Scotland and a secretary of state for Northern Ireland. These cabinet positions may have been necessary when the UK was a unitary state. But now these nations have devolved parliaments, and the UK cabinet spends most of its time dealing with English affairs, it is unfair that we do not also have a secretary of state for England, or an English first minister, representing the interests of England to a UK government. We have ministers for the South East of England, for the North West or for the Midlands, yet Scotland and Wales are not broken up in this way with a minister for the Highlands or a minister for the Lothians. For English patriots like myself, it is disheartening to see the government so reluctant to acknowledge England as a distinct nation with a right to the same representation as that enjoyed by the other nations of Britain.

I am not a pessimist and, while Britain has been weakened by devolution, I do not believe that a break up of the country is inevitable, nor is it necessary to split the country for the English to gain fair representation once again. Now that the devolved assemblies have been established and proven popular in Scotland and Wales, I do not think a Conservative government would be in any position to abolish them. David Cameron has wisely opted to make devolution work, and has indicated that he would seek accommodation with administrations in Edinburgh and Cardiff made up of other parties.

Some have suggested that what is needed is an English Parliament. I do not agree that we should repeat the mistakes made in Scotland and Wales in terms of building large expensive buildings and a layer of extra politicians at taxpayers' expense. But I would like to see the return of an English Parliament to its historic home in Westminster.

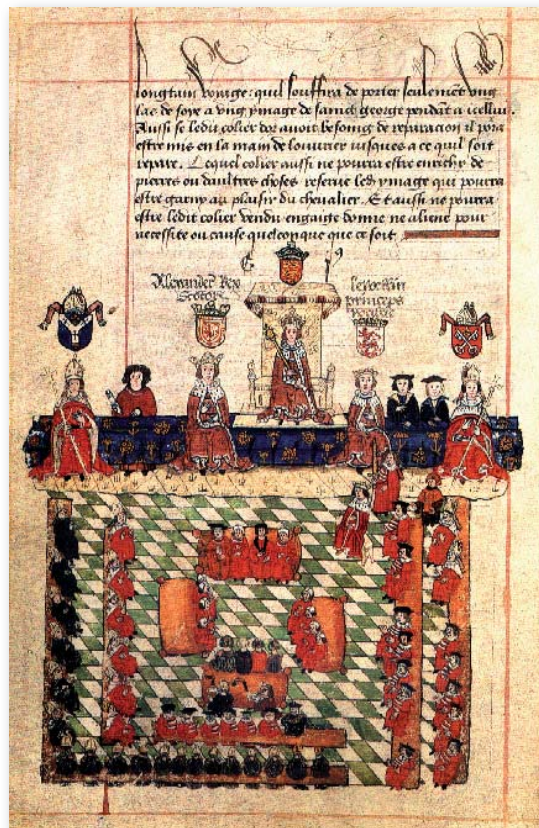
Everything which is an English matter, including health, education, local Government, planning and law and order, should be considered only by English MPs meeting as the English Parliament in Westminster. This would give England the same devolved powers enjoyed in Scotland, create a stronger sense of English identity around the traditional Parliament of England, and avoid any extra costs and hassles associated with devolution in Scotland and Wales.

"I do not agree that we should repeat the mistakes made in Scotland and Wales in terms of building large expensive buildings and a layer of extra politicians at taxpayers' expense. But I would like to see the return of an English Parliament to its historic home in Westminster."

English MPs are more than capable of performing a dual role, as Members of an English Parliament and Members of a UK Parliament. English MPs could elect a first minister, and a secretary of state for England could be appointed to represent England's interests in a UK cabinet. Once our colleagues in Scotland and Wales see how well this system worked for England, they may realise the advantages and adopt such a system for their own devolved administrations.

I am a passionate believer in our country, but I am also a believer in democracy. Should Scottish or Welsh MPs seek a vote on independence, they should be entitled to do so, just as English MPs should be entitled to do the same for their country if they feel it is what their electors seek. I believe most of us want to keep our country together. This is why the government's timidity with regards to the English question is so frustrating. Given their enthusiasm for devolution, they should extend this to England and offer the English a say on whether they too wish the same benefits as those given to Scotland and Wales. Public opinion would be on their side, and by resolving the anomalies of one-sided devolution they would strengthen the country while allowing the flexibility for each of our four nations to pass laws in the way they see fit and celebrate their own culture.

This is not a party political issue. On the basis of the last three election results, the Labour Party would have had just as much chance of controlling an English Parliament as a UK one. Given that they now have an SNP administration in Scotland, a coalition government in Wales, no representation in Northern Ireland, and a Conservative mayor of London, an English Parliament may offer Labour chances for having at least some influence after future elections.



**Medieval precedence.** The English Parliament meets before King Edward 1st, c. 1278. In this picture, ironically, Alexander 3rd of Scotland and Llywelyn the last of Wales are also seated with the king despite the fact that they are not thought to have attended any of his parliaments.

photograph: public domain

# Four things wrong with the status quo

By Charlie Jeffery

## Further reform needed.

Devolution to Scotland and Wales has introduced a new legislative level in the UK and given the two nations a legitimate influence over their own affairs. From this perspective, devolution has been a democratic success. Yet, there are signs that the current settlement is unsustainable over time, due to a number of contradictions. Four features in particular point themselves out as unresolved under the current devolution settlement:



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- the failure to consider what impact changes in the government of one UK nation might have on other UK nations
- the absence of clear alternatives for the un-devolved government of England in a part-devolved UK
- the lack of strategies for managing the relationships between the different governments within the UK
- the absence of a clear strategy for the UK union, following devolution

To be blunt: the post-devolution political system was not designed as an integrated system of government. This lack of integrated design is a long-standing tradition in UK government. The UK state grew (and in Ireland later contracted) through a set of relationships between England and the other nations in which England was always the sole common denominator. The UK state was always asymmetrically organised, with a generally and over time increasingly uniform approach to public administration in England, and different sets of distinctive arrangements for public administration, with varying degrees of policy discretion and institutional underpinning, in the other nations.

The relationship of the English core and the other nations has always been a piecemeal one; changes to administrative arrangements in, say, Scotland did not lead to equivalent changes in Wales or (Northern) Ireland. Relationships were always bilateral and partial, not multilateral and statewide. The UK union remained curiously disconnected between its non-English parts.

That tradition of disconnection was

continued in 1997-99. Different UK government departments were in charge of drafting the reforms for Scotland, Wales and Northern Ireland respectively. A half-hearted and then aborted attempt was then made in 2002-4 to add English regional reform, but the first, and so far only, referendum which was held – in the North-East region in 2004 – ended with a clear majority of 78% voting against. These reforms were introduced for different reasons in different places, and were discussed in government and parliament for the most part as discrete issues. This characteristically piecemeal and un-coordinated approach has a number of problematic consequences.

First, approaching each reform as a discrete renegotiation of the relationship of one part of the UK to the UK as a whole carried with it the danger of spillovers, that is, the unanticipated impact of reforms designed to meet a need in one part of the UK, on another.

James Mitchell has highlighted the most obvious example: while devolution in Scotland was addressed at a Scottish need (to re-legitimise the UK system of government after a protracted period of being governed in Westminster by a Conservative Party that had minimal support in Scotland), one consequence has been to open up perceptions in England that Scottish

devolution is unfair to the English: in terms of political representation (the West Lothian Question); in the distribution of resources (Scotland, for historic reasons unconnected to the devolution reforms, has a block grant from the UK Treasury which awards more public spending per capita than England); and in terms of policy provision (where post-devolution policy innovations in Scotland such as reduced prescription charges and fee-free higher education are not available in England).

In consequence there has been further debate about how to address these perceptions of inequity, including proposals to restrict Scottish MPs' rights at Westminster, so that they can vote on UK-wide matters only, and/or to devolve

fuller tax-raising powers to the Scottish Parliament beyond the current + / - 3% of income tax, so that public spending in Scotland is financed more fully by Scottish taxpayers and less by the general UK taxpayer. The risk is, of course, that addressing these spillovers of Scottish devolution into England in the same piecemeal way as the earlier Scottish reforms were

introduced will add further spillovers, for example concerning perceptions of unfairness in Scotland about "second class" status at Westminster, or demands in Wales to obtain similar tax-raising powers for the Welsh Assembly, and so on. The prospect is one of continual flux.

"The UK operates after devolution as a collection of governments working side by side in a sense by default, rather than because they are joined in some kind of common endeavour in service of the citizens of the UK."



Revised powers in a devolved state. Should Scottish MPs still vote in the House of Commons on issues that only pertain to England and Wales?  
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A second consequence of the piecemeal approach to reform in 1997-99 concerns the relationships between England and the rest. England is one of the most centralised political units among liberal democracies. It is also, in relative terms, very big: around ten times the size of Scotland, 17 times the size of Wales and 30 times the size of Northern Ireland. The combination of one unit of large size and centralised government alongside smaller units with extensive devolution is, in comparative terms, unique. It brings with it its own spillovers. Irrespective of the formal distribution of powers, decisions taken by Westminster for England inevitably spill over into areas of devolved responsibility given England's predominance on the UK's single market, single welfare state and single internal security area. They do so all the more given the ways that the government of England is fused (and often confused) with the government of the UK in the institutions of Westminster and Whitehall.



# Four things wrong with the status quo (cont.)

By Charlie Jeffery

Moreover, where UK institutions act for the UK as a whole the mindset of decision-making is, logically enough, dominated by the largest part, England, and equally logically neglectful of interests outside England or effects in devolved settings. Finally, because it is in this way "captured" by English interests, the UK government is ill-placed to arbitrate concerns or conflicts over spillovers between jurisdictions.

That this mix of devolution outside England and centralisation of England has not been understood as an integrated system of government is confirmed, third, by the practices the UK uses for coordinating the work of its different governments. These have projected forward an approach to the accommodation of different territorial interests inherited from pre-devolution UK government.



**The rule of London.** When the Welsh Office was established by the British government in 1965, it was a cautious recognition that Wales was different from English regions. After devolution, most of its powers have been devolved to the National Assembly for Wales, the remaining institution in London now known as the Wales Office.  
photograph: public domain

That approach sees coordination as an ad hoc process, lubricated by assumptions of civil service collegiality, referred to ministers only in case of dispute, and carried out entirely beyond public view. It was, no doubt, appropriate to the pre-devolution situation. It functioned more or less adequately from 1999-2007 when Labour led governments at the UK level and in Scotland and Wales (and when Northern Irish devolution was in the main suspended), and dispute could be managed within the Labour Party "family".

But it appears unfit for purpose now the Scottish National Party (the SNP) forms the Scottish government, Labour is in coalition with Plaid Cymru, (the Welsh nationalist party) in Wales, and Northern Ireland devolution, with its distinctive party system, is in operation again. Ad hocery and intransparency do not appear well-suited to managing the growing number of intergovernmental disputes, especially between Scotland and the UK, allowing accusations of duplicity and grandstanding to be made on both sides. More importantly there is minimal provision in this practice of intergovernmental coordination for identifying and pursuing common interests shared between governments across jurisdictions.

To put this last point another way, there is no apparent sense of the need, or desirability, of the UK's different governments to join together to make policy across their different jurisdictions for the union as a whole. This is a striking absence. It expresses the fourth consequence of piecemeal devolution: the purpose of union, in its post-devolution form, is unclear and under-articulated. The UK operates after devolution as a collection of governments working side by side in a sense by default, rather than because they are joined in some kind of common endeavour in service of the citizens of the UK.

Gordon Brown's discussion of Britishness and British values is an attempt to suffuse this disconnected political system with some kind of commonality, but appears flawed and insufficient, resting too strongly on universal values of western liberal democracy which might just as well provide a case for English union with Germany as with Scotland.

What is missing is a more explicit articulation of the shared interests that all UK citizens might draw from the union in its new, post-devolution form. A glance at other devolved and federal systems gives some pointers. Germany and Australia operate systems of fiscal

equalisation based on commitments that all citizens should enjoy similar levels of provision of public services, despite the existence of a tier of decentralised government.

Canada and Belgium have significantly more decentralised and diverse sub-state governments, but in each case diversity is bounded by continued commitments to a statewide "social union" in Canada and a statewide social security system in Belgium; diversity is highly prized, yet still tempered by explicit commitments to statewide solidarity.

The UK has failed to problematise the balance between the commitment to diversity which devolution embodies, and the commitment to solidarity and equity which a continued union implies. There has been no general articulation of the balance of interests that might best be secured

for citizens at a statewide scale, and those that might best be secured for citizens in each of the four nations of the UK. There has been no explicit distinction of those policy outcomes that can or should vary across jurisdictions, and those that should not and should be delivered for all citizens uniformly no matter where they live. And finally, there has been no systematic discussion of the allocation of resources between levels of government as a means of achieving balance between territorial diversity and statewide fairness.

As a result the post-devolution state lacks generally understood, and generally accepted, rules of the game which might offer a general rather than a piecemeal framework for addressing the concerns and relationships of the UK's component nations, consider more systematically the government of England and connect it to government outside of England, and inform a practice of intergovernmental coordination capable of pursuing statewide objectives and balancing them against devolved autonomy. In sum, the UK has failed to identify how "Britishness" – in this sense some conception of the interests shared by all citizens, across all UK-level, English and devolved jurisdictions – can be understood, debated and delivered by the post-devolution political system.

## The West Lothian Question...

...is so called because it was repeatedly emphasised by Tam Dalyell, the Labour MP for the constituency of West Lothian in Scotland (and long-time opponent of devolution). Dalyell raised the issue prior to the first referendum on devolution to Scotland in 1979. The question has two parts:

1. Why should Scottish MPs be able to vote on legislation pertaining only to England and Wales, when English and Welsh MPs cannot vote on Scottish legislation (since this will be handled by the Scottish Parliament)?
2. Why should Scottish MPs be able to vote on all legislation *except* that which concerns the part of the UK they have been elected to represent – Scotland?



# Devolution and Europe

By Øivind Bratberg

**The other disputed Union.** In British party politics, European integration has always been an intricate issue to deal with, cutting across (occasionally coming close to ripping apart) both Labour and the Conservative Party and remaining an object of hatred for those who wish to make the UK a fully sovereign state yet again.



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In Britain, devolution and European integration could thus be seen as parallel challenges to the authority of London. The coupling of these challenges is particularly clear when a direct relationship emerges between Edinburgh and Brussels. Such bypass of London may have been the SNP's line of reasoning when the party turned towards a more positive attitude to the EU in the early 1990s. From an altogether different starting point, Scottish Labour could also see clear advantages in a pro-European approach: an active Scotland contained within a British state yet combined with minimum labour standards, environmental regulation and other mildly progressive standards ensured by the EU. Within Labour, the Thatcher era was thus decisive in opening the party towards both devolution and European integration. As a final twist to this narrative, the Scottish Conservatives - faced with the devolved settlement of 1997 - found that a constructive approach to the EU could be a source of Scottishness and renewal - a quiet demarcation from the sometimes virulent Euroscepticism of the party in London.

"Scotland and Wales are part of a new European settlement, where sovereignty and independence are less obvious categories than before."

With devolution a decade old, the experience of representing Scotland in Europe has been mixed - from the point of view of each of these parties. Significantly, elections for the European Parliament are now proportional and regionally organised, with Scotland and Wales installed as electoral constituencies alongside Northern Ireland and nine English regions. This has added to the sense of a "Scottish bench" in the European Parliament. Moreover, the Scottish government has its own representation in Brussels and Scottish civil servants are part of the British team in the EU Council when regional issues are discussed.

However, precisely all what this has

meant in terms of promoting Scottish interests is unclear. Members of the European Parliament may draw attention towards agriculture, fisheries and regional funds. But member states remain the basic building blocks in the decision-making structures of the EU, a truth which German *Länder* and other aspiring territorial units have also learnt to accept. The EU adds an additional layer to domestic politics - sometimes useful, sometimes burdensome. Whether this add-on to domestic politics is a good or bad development is in the eye of the observer. What is clear, however, is that the layers are now so integrated that few political battles can be fought on one battlefield alone. Scottish politics is enacted not only in Edinburgh or London, but at multiple levels of which Europe is one.

Couple this territorial division of power with depoliticisation and the market forces, and you have what is fashionably called *multi-level governance*: less authority vested at the

national level, and indeed less authority vested in the political system as a whole, as European directives, public agencies and the market take over powers previously residing in the national political system.

Is this a development to be regretted? To those who look with nostalgia to powerful national legislatures it certainly is. Scotland and Wales are part of a new European settlement, where sovereignty and independence are less obvious categories than before and where political power has been diluted. The role of the EU in this development is a matter of interpretation. In the context on devolution, for example, the EU can be taken to support either Scottish *independence in Europe* or something closer to *integration in a multi-level Europe of devolution plus the EU*.

Among both nationalists and moderate devolutionists, the EU commands less enthusiasm in Scotland than what was envisioned ten to fifteen years ago. However, for all the limitations to the vision of a Europe of the regions, EU policies are significant to Scotland, as they are for Wales.

The first decade of devolution has seen a range of development below as well as above the authorities in London. Scottish and Welsh approaches to Europe will help define the path for devolution in the decade to come.

Disputed and difficult as the EU issue has been from the London perspective, is it any different when perceived from Scotland and Wales? Clearly, the dynamic of party politics is different here, with prominent nationalist parties fighting the UK-wide parties in their Scottish or Welsh appearance. In Scotland, devolution has led to extensive reform of Labour and the Conservative Party (the Liberal Democrats are kept aside here, established as a federalised party prior to devolution). Both Labour and the Conservatives have moved towards more decentralised structures and more openness towards policy divergence between London and the subnational.

Strengthening the Scottish dimension of party branches has obvious implications in devolved policy areas such as health and education (cf. the argument of a more left-leaning party politics in both nations compared with England). With regard to the EU, policy divergence is less obvious but just as intriguing. Europe has been a divisive issue in Scotland as in Britain as a whole: yet, party branches here have learnt to lean upon a shared regional profile of "protecting Scotland" which distinguishes Scottish party branches when EU issues are on the table.

There is an interesting backdrop to these developments in the idea of a *Europe of the regions*, much lauded in the early 1990s when the regional significance of the EU structural funds and the introduction of the Committee of the Regions in the Maastricht Treaty (1992) together seemed to herald a new era for regional politics. This coincided with a strengthening of demands for regional autonomy in several EU member states. The process towards devolution in Scotland and Wales finds certain parallels in countries such as Spain, Italy and Belgium. Regional autonomy at home has in all these contexts been expected to have consequences for the representation in EU institutions.



Scottish in Europe. Could - and should - the Scottish government play an autonomous role in the EU?  
© the Scottish Government

# Welsh Labour and the problem of bounded rhetoric

By David S. Moon

## Labour, and Welsh too.

From the instigation of devolution in Wales, the role of architect has largely been played by the Labour Party. In the establishment and development of the formal governance systems, as well as the institution of the non-formal aspects of post-devolution politics, Labour's role can be seen as decisive.



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This is important to recognise. Much discussion of Britain's multi-level system of governance treats governmental levels/institutions as individual "personalities"; each level acting for its own particular ends: e.g. "the 'Welsh Assembly' seeking greater powers from 'Westminster'". Yet governmental institutions are essentially controlled by parties – in the case of the Assembly, Welsh Labour, whether alone or in coalition with the Lib Dems or Plaid Cymru. Thus, any analysis of how formal systems of governance operate (and may alter) necessitates consideration of parties, their intra-party relations, conflicts and political discourses.

Labour's historically dominant political position in Wales, and its hefty majorities in the UK Parliament, means that understanding its approach to governing is imperative to understand the course of Welsh devolution. Regarding the Assembly's constitution at its establishment, for example, former Secretary of State for Wales Ron Davies pointed out that it was *"all very well for academics and arm-chair critics to devise grandiose schemes which satisfied constitutional theories but unless there was support for the proposals within the Labour Party ... then such schemes were pretty futile."*

The ensuing history of the devolved settlement can, similarly, be seen largely as that of an internal Labour party debate. Yet, if Labour has profoundly affected how devolution has played out in Wales, how has this new political situation simultaneously affected the party itself?

In approaching this question it is useful to bear the concepts of *autonomy* and *influence* in mind. The first refers to the ability of the party at the devolved level (e.g. the Welsh Labour Party) to conduct its affairs free of interference from the party at the central level (e.g. the British Labour Party) while the second refers to the extent to which the party at the devolved level impacts on decisions made by the central party. In making judgements as to these two factors it is useful to consider both the aforementioned formal and non-formal elements of post-devolution

Welsh politics; particularly the policies and rhetoric of Welsh Labour in government.

In terms of policies, under the leadership of Rhodri Morgan AM Labour in the Assembly has, in certain areas, charted a markedly different direction from Labour in Westminster. In health, for example, it has spurned the "competitive model" of public service provision and primary focus upon cutting waiting lists adopted by the party in England. Instead, it has pursued a "public health" approach aimed at targeting ill-health in general via a charge-cutting agenda – scrapping prescription charges and instituting, among other things, free swimming for the young and elderly, free optical examinations for over-60s, free school breakfasts and free milk for under-eights – and ruled out the private finance initiative (PFI) and foundation hospitals in Wales.

Under the devolved system, therefore, in terms of its ability to take different policy approaches to the party at the centre, Welsh Labour clearly has a good deal of *autonomy*. On the other hand, policywise, Welsh Labour doesn't appear to have much *influence*; there seems little sign that their different policy route has significantly impacted thinking within the central party leadership which has continued with PFI, waiting list targets et cetera.



Rhodri Morgan, Welsh first minister and leader of Welsh Labour since 2000, coined the rhetoric of "clear red water" to describe his government's policy approach. © National Assembly for Wales

A similar pattern emerges when surveying the party in Wales's rhetoric, which is premised upon Welsh particularity. Labour's leadership in the Assembly have utilised two key rhetorical tropes to articulate their policy agenda: "made in Wales" and "clear red water". Analysing these rhetorics can tell us much about Welsh Labour's self-

positioning post-devolution and what it has meant for both its autonomy within and influence over the wider Labour Party.

For example, the rhetoric of "made in Wales" policies performs a double task, linking together disparate policies into a semblance of unified thinking and legitimising and justifying the choice of said policies by a link with the "naturalness" of the nation (the policy must be better if it is "made in Wales"). Similarly, articulating policies as based upon an agenda of "clear red water"

*"Under the devolved system [...] Welsh Labour clearly has a good deal of autonomy. On the other hand, policywise, Welsh Labour doesn't appear to have much influence; there seems little sign their different policy route has significantly impacted thinking within the central party leadership..."*

constructs two significant political linkages: Firstly, it links those policies to the notion that they're socialist (i.e. "red"), concurrently depicting it as more socialist ("redder") than the policy options (real or abstract) chosen on the other side of the "water" (e.g. in England). Secondly, through a logic of differentiation (i.e. "water" representing a "border" – Offar's Dyke(?) – and "red" the colour of

Wales as embodied in the *draig coch* (Welsh dragon) the policy is linked with "Welshness" and those disagreeing with it, therefore, with non-/anti-Welshness.

In each case, Welsh Labour articulates its politics via rhetoric centred upon Welsh specificity and differentiation from an (England-based) "Other" rather than universal (international) principles such as equality or freedom. This, perhaps, might explain the limited wider influence the ideas and policies linked to such rhetoric have had within Labour outside of Wales; emphasising their adoption and composition as specifically "Welsh" and "anti-Westminster" means they were also thus bounded. Arguably, such is the necessity of the new sub-polity politics; there is evidence, however, that this approach may change. Peter Hain MP, for instance, has declared that *"Welsh labour needs to ensure that there is not an over-emphasis on finding 'Wales-only' solutions for their own sake"* and spoken of the need to offer *"policies which are not defined by their 'Welshness' or 'redness' but by the quality of their outcomes for Welsh citizens"*.

With Rhodri Morgan's tenure as leader shortly to end, Welsh Labour's future direction – both in terms of policies and portrayal – should be up for debate. One question worth contemplating for party members is whether a change in how Welsh Labour articulates its politics might mean greater influence within the party as a whole. Whether the devolved settlement precludes universalist rhetoric and benefits differentiation via nation is a problem which a self-defined internationalist party like Labour has to face.



# How good has devolution been for the Liberal Democrats? What has happened in Wales provides an important clue

By Russell Deacon

## The beneficiaries.

Devolution has added a new dimension to British party politics, traditionally renowned for its centralisation around key institutions in London. Among the UK-wide British parties, the change has been particularly beneficial for the Liberal Democrats. With the establishment of the Scottish Parliament and the Welsh Assembly, Britain has moved a little bit closer to the Liberal Democrat vision of separate federal structures for England, Scotland and Wales (although England has fallen behind, as discussed by John Redwood and Charlie Jeffery elsewhere in the *Review*). From this perspective, it is arguably the Liberal Democrats that have been one of the parties to gain most from devolution.

Since devolution was introduced, Liberal Democrats have been in government in both Scotland and Wales, achieved notable results in terms of policy and steadily increased their party strength in each nation. The Scottish Liberal Democrats stand out in this respect, having served in the Scottish government with Labour from 1999 to 2007 while at the same time maintaining a strong presence in the federal (UK-wide) party in London. In the same period, the Scots Charles Kennedy and Menzies Campbell have also been influential leaders of the federal party. What of the Welsh then? This short article hopes to shed a little light on what has been happening to the Welsh Liberal Democrats over the last decade and whether devolution has been equally good for them.

First let us start with dismissing a basic assumption of British politics. It is that the three main parties – the Conservative Party, Labour and the Liberal Democrats – are all unitary parties with regional structures subservient to London. This is not the case at all with the Liberal Democrats, who since 1966 have been a federal party with separate state parties for England, Scotland and Wales. These state parties have their own constitutions, organisational structures and rules and policy determination mechanisms.



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In Wales, the distinctiveness of the Welsh Liberals goes back to the establishment of the Welsh Liberal council in 1897, although the party was only established as a state party in 1966. Since then, the party in Wales has acted independently of that in England on a whole host of policy and internal party managerial issues. These arrangements are based around the Liberal Democrat vision of a federal United Kingdom, which would see full-fledged parliaments in Wales and the English regions mirroring that which now exists in Scotland. The party, however, is still interlinked with the federal party in reserved policy areas such as defence, international affairs and the broad lines of taxation.

After its heyday in the early 1900s, the Welsh Liberals were caught in what seemed to be terminal decline, going from 33 Welsh MPs in 1906 to just one in 1966. The problems continued: from 1966 to 1999 the Welsh Liberal Democrats never controlled a single Welsh council outright, they never had more than eight per cent of the Welsh MPs and didn't win one of the five Members of the European Parliament set aside for Wales. Administratively, the Welsh party was limited to just one full-time official. Liberals looked forward to the new democratic institution of the Welsh Assembly, not only for bringing life to Welsh democracy but in the hope that devolution would return the party

from the political wilderness.

The electoral system for the Welsh Assembly allocates 40 Assembly Members (AMs) from single-member constituencies and then adds 20 AMs from regional party lists: this ensures that the distribution of seats is proportional to the election result. In 1999, the Welsh Liberal Democrats publicly spoke of winning ten of the Welsh Assembly's 60 seats in the first election in 1999. In the end they won six, of which three were constituency seats and three from the party lists. In the process, three women and three men were elected for the party. This ensured exact gender equity, which was coincidental as the Welsh party had rejected any gender balancing of candidates. Nevertheless, the inclusive representation of the Liberal Democrats reflected the new politics which devolution had been supposed to awaken. Most

importantly, devolution also brought administrative benefits for the party. Its full-time official was now supplemented by a raft of other officers and support staff bringing the party's staff and researcher up to around 30 in total.

Michael German became the Welsh Liberal Democrats' leader in the Assembly and from 2007 the party's overall leader in Wales. All the party's six AMs would remain the same for the next decade. At the following two Assembly elections, the same members were elected for the same seats, leaving the party in a situation of strong parliamentary continuity. No matter what tactics the party used at elections or whether they were in government or opposition they could not seem to break away from these six seats and these six people. By this development, the Welsh Liberal Democrats have become the most stable of all of the political parties in the Welsh Assembly. Whereas the 2005 general election saw the party double its number of MPs in Wales (from two to four) and the 2004 local government elections gave the party enough seats to lead four councils, including the capital Cardiff, these advances never seemed to translate into the Welsh Assembly results.

"The Liberal Democrats have since 1966 been a federal party with separate state parties for England, Scotland and Wales. These state parties have their own constitutions, organisational structures and rules and policy-making mechanisms."



*The legacy. David Lloyd George, a Welshman and a Liberal, British prime minister from 1916-22 and the man behind the "People's Budget" in 1909, Lloyd George was the last giant of the Liberal era - in British politics and in Wales.*

photograph: public domain

# How good has devolution been for the Liberal Democrats? (cont.)

By Russell Deacon

The highpoint for the Welsh Liberal Democrats in devolutionary terms came with the coalition pact with Labour to run the Welsh Assembly Government between 2000 and 2003. Michael German took the post of deputy first minister and Jenny Randerson that of culture minister. Coalition offered the party its first taste of government since 1945 and in the process made Jenny Randerson the first female Liberal to hold office anywhere in the United Kingdom

in the party's history. The Scottish Liberal Democrats, despite its eight years in coalition (1999-2007), never had a female minister. Working in coalition with Labour, the Welsh Liberal Democrats managed to get nearly all of its 1999 manifesto promises enacted, including the scrapping of top-up fees for Welsh students at Welsh universities and free entry to Wales state-owned museums.

Government commissions mandated in this period also recommended the introduction of single transferable vote for Welsh local government elections (a fully proportional electoral system) and reform to allow the Welsh Assembly primary law-making powers and enhanced status vis-à-vis London. Both were key Liberal Democrat aims. The problem for the Welsh Liberal Democrats was that once they were out of power in 2003, the Welsh Labour government or (from 2007 onwards) the Labour-Plaid Cymru coalition rejected the Commissions' proposals, watered them down considerably or, in the case of university top-up fees, reversed them. Thus, over time the Welsh Liberal Democrats' legacy of government has become less and less prevalent.

Devolution, with its different locations of power and influence, has been a challenge to handle even for the Liberal Democrats, a party which was well-prepared for separate policy-making in Scotland and Wales. The initial period of devolution saw strained relations between the AMs in Cardiff Bay and the party's MPs and Lords in Westminster. Adjusting to the situation of differing power bases and a shift in Welsh party emphasis was problematic. The Westminster MPs were no longer the "top dogs" in the party. By 2003, however, these difficulties had been smoothed out and from then on the Westminster and Cardiff politicians were able to work in much closer harmony. The final result of this power shift was that the party's Welsh leadership transferred

from the Westminster MPs to the Welsh AMs in 2007.

The Welsh Assembly has opened a new arena for enacting policies that are separate from those elsewhere in Britain. In the Liberal Democrats, the state party had already in the previous decades shaped its own policy to be promoted in the UK Parliament. Today, policy divergence is becoming a matter of routine in devolved

"Before the 1997 general election [...], the party had just one full-time party official and one elected parliamentarian. Today it has around 35 full and part-time officials and support staff. Even more importantly, it has 10 elected parliamentarians in Cardiff and Westminster."

issue areas. If we take one example on health, the English Liberal Democrats would drive forward the health agenda with locally elected Local Health Boards (LHBs). In Wales, the party wishes to see LHBs abolished entirely and replaced by large centralised bodies responsible for both health care commissioning and delivery. In Scotland, however, there are no LHBs and therefore the

party policy there is to support elected local government councillors presence on Scottish Community Health Partnerships. Thus, there are three distinct policies from the three Liberal Democrat state parties.

After 2003, the Welsh Liberal Democrats went into a long period of opposition. The 2007 Welsh general election, however, brought Labour five seats short of a majority and therefore in need of a coalition partner. Initially it was thought that Plaid Cymru, the Conservatives and the Welsh Liberal Democrats would join together into a so-called "rainbow alliance", in order to form a government excluding the Labour party. Plaid Cymru, however, were ideologically opposed to joining with the Conservatives due to their strong unionist background. The Welsh Liberal Democrats became split on

the issue, the party's executive divided down the middle. Whilst the party sought to sort itself out, Plaid Cymru did a surprise deal with the Labour Party, their traditional foe and the Welsh Liberal Democrats were once more left out in the cold.

The poor 2007 Welsh Assembly result for the party also led to increasing pressure from within the party for party leader Michael German to step down. This he duly did in December 2008. The candidates for his post were both female AMs, Jenny Randerson and Kirsty Williams. It was Williams who won with 60 per cent of vote. She is a renowned orator and appealed to those in the party who wanted to break away from the more traditional image of Welsh politics being led by "old men in grey suits". Williams was not only the first female to lead a Liberal state party in the United Kingdom but at the age of 37 she was also the youngest. Her first real leadership test will come in June 2009 when the party seeks to win its first ever Member of the European Parliament for Wales.

Over the last decade the Welsh Assembly has been a huge boost for the Welsh Liberal Democrats. Before the 1997 general election that paved the way to the Welsh Assembly, the party had limited administrative resources and, indeed, limited arenas to play out its vision for Welsh politics. Today, the party has around 35 full- and part-time officials and support staff. Even more importantly, it has in total ten elected parliamentarians in Cardiff (six AMs) and Westminster (four MPs). It also holds the leadership or deputy leadership of the councils that represent the Welsh capital, Cardiff and its other two cities, Swansea and Newport.

The Welsh Liberal Democrats have thus become an important actor in the new politics evolving since 1999. No longer is the Welsh political scene constrained to a Labour-dominated group of MPs in Westminster. Although the Welsh Liberal Democrats failed to get back into the Assembly government after 2003, they are almost immeasurably stronger and more united as a political force in Wales than the party has been since the 1920s.

In sum, then, devolution has made the Welsh Liberal Democrats a strong political force once more, despite the fact that only few outside of Wales have noticed it. The next decade will show whether the enhanced impact of the Liberal Democrats in both Scotland and Wales can be maintained and indeed reflect back upon on the party's role in Westminster.



**Renewal.** Kirsty Williams, Assembly Member for Brecon and Radnorshire and leader of the Welsh Liberal Democrats since 2008, the first female leader of any of the four dominant political parties in Wales.  
© National Assembly for Wales



# Promoting gender equality in the new Scotland: rhetoric not reality

By Ailsa McKay and Angela O'Hagan

## New politics, new gender balance?

Institutional support for gender equality in the devolved Scotland has been the subject of international policy learning, national evaluation and re-assessment almost continuously in the ten years of devolved government in Scotland. This short article briefly considers the main structural and policy changes to promote gender equality introduced by devolution, and offers a critical perspective on the extent to which gender equality has become embedded in public policy institutions and practice in this period. Particular attention is drawn to the activities of the Scottish Women's Budget Group and the attempts to promote a more gender-aware approach to the budget process within a Scottish public policy context.



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in the new Scottish Parliament - 42% in 1999, which was then the highest level of women's parliamentary representation in Western Europe.

Equality and concepts of equal opportunities had also been visible demands in the campaign for devolved, or delegated, government within the UK. Although not viewed by all as a key priority for the new institutions, certain critical actors from the women's movement, trade unions, and statutory commissions ensured, by their access to decisions on the structure of the new institutions, that equality became a touchstone of the "new Scotland". In 1997, following the successful referendum for devolution, the Consultative Steering Group (CSG) was established to devise rules and procedures for the new Scottish Parliament. Its four founding principles were: openness and accountability, transparency and, crucially, that "the Scottish Parliament in its operation and its appointments should recognise the need to promote equal opportunities for all" (CSG Report 1998, 3).

The CSG further proposed that to give practical effect to the principle of equal opportunities there should be a mandatory Equal Opportunities Committee of the Parliament; a specific department within the Scottish Government (which became the "Equality Unit"); and that "the aim must be to embed into the process of policy formulation and the way in which the Parliament works, the principles and commitment to promote equal opportunities for all and to eliminate the effects of past discrimination" (op.cit:146). These measures sought to position equal opportunities at the heart of public policy in Scotland along with the machinery, potentially, to deliver effective policy analysis and content.

In November 2000 the first Scottish Executive's plan for equality - *Equality Strategy: Working Together for Equality* - was published. Equalities mainstreaming was the cornerstone of the strategy and the approach to public policy. It is important to note the breadth of the definition of equal opportunities and the

use of the concept of "equalities". Within this framework, different aspects of "equality" were to be given equal weight in policy considerations, resulting in what could critically be perceived as a dilution of focus and potency on questions of gender equality.

"The new politics in Scotland has been built around values distinct from the adversarial politics in Westminster. Yet aspirations for gender equality need to be fought for within the new institutions to be maintained."

Around the inception of the new parliamentary and governmental institutions, the Scottish Women's Budget Group (SWBG) was formed. A group of women activists from across academia, the voluntary and public sectors, and private individuals, they were and continue to be committed to the

promotion of Gender Budget Analysis (GBA), in the operations of the new institutions. Opportunities for access to key politicians possible in the very early days of the Scottish Parliament secured SWBG the commitment of the first finance minister. This in turn resulted, in 2000, in the creation of an advisory group within the Scottish Executive, charged with developing an approach to equality proofing the budget. Known as the Equality Proofing Budgets Policy Advisory Group this entity continues to exist today, and retains a mixed membership of government officials - primarily the Finance and Local Government Divisions, Statistics, the Equality Unit, and external groups such as the SWBG, the Equality and Human Rights Commission, and the Equality Network.

It is fair to say that progress on effective implementation of equality analysis of the Scottish budgetary process to date has been mixed. A number of significant successes are evident, as are a range of ongoing tensions. Most positively, support from the Finance and Equal Opportunities Committees of the Scottish Parliament who gave clear direction to the Scottish Government to ensure equality was a visible element of the budgetary process and accompanying documentation. This resulted in the key achievement of the inclusion of equality statements in the Scottish Spending Plans 2003-2006, and the substantial references to equality in the Scottish Budget 2003-2004. However, these were singular advances and have not been repeated since.

As the legal and institutional backdrop to gender equality in the UK has changed, there has been increasing pressure to maintain visible commitments and actions to eliminate sex discrimination and particularly women's inequality.

## Percentage of women among elected representatives (2008)

UK House of Commons	19,6 %
Scottish Parliament	34,9 %
Welsh Assembly	46,7 %
Norwegian Parliament (Stortinget)	37,9 %
Swedish Parliament (Riksdagen)	47,3 %

# Promoting gender equality in the new Scotland (cont.)

By Ailsa McKay and Angela O'Hagan

These are core concerns of SWBG and other feminist organizations, but are increasingly less visible in dominant narratives on equality. In part, the attempts to promote equality assessment, specifically gender equality, of the Scottish budgetary process have struggled for support within successive framing of equality policy at both the national (UK) level and within the Scottish policy context.



**Annabel Goldie**, Leader of the Conservatives in the Scottish Parliament and presently the only female leader in the four dominant parties in Scotland.  
© Scottish Conservatives

In the first two terms of the Scottish Parliament (1999-2007), a key focus of the Labour-Liberal Democrat coalition government was the promotion of social inclusion, subsequently social justice, and finally captured under the policy framework of Closing the Opportunity Gap. SWBG consistently raised their concern that the framing of equality within these policy priorities increasingly conflated concepts of economic equality and disadvantage with structural inequality and sex discrimination, with the latter concepts losing purchase and resonance. Under the current Scottish Government, the commitment to equality is less visible externally, and the last round of budget documentation contained no references to mainstreaming, and only one to equality; down from a peak of 9 references to mainstreaming in 2004 and 96 references to equality in 2006.

More positively, the introduction of the Public Sector Duties as explicit

requirements to promote equality may offer some support to build on the foundations of equality proofing the Scottish Budget and to mainstream equality into all policy, programme, and spending decisions of public bodies. The duties require public bodies to conduct equality impact assessments of all policy and, it can be argued, spending decisions. SWBG and others are looking to the provisions of the current Gender Equality Duty to be effectively implemented by the Scottish Government and public bodies funded in Scotland, and to the provisions of the new Single Equality Bill introduced by the UK government to provide legal support for the principle of equality analysis in budget-setting processes.

In conclusion, it appears that there have been significant advances and achievements. However, while the principle of equality analysis of the Scottish budget may be embedded within the appropriate political institutions, the practice in the budgetary process is not entrenched and is therefore vulnerable to political change and altered policy priorities. The progress achieved to date has been secured by effective lobbying and influencing by SWBG, based on knowledge gathering and policy learning from other experiences globally; and by the willingness of key individuals, including politicians and officials, to act to support the principle and its application in practice. EPBPAG continues to exist and to be the touchstone for the current Scottish Government's commitment to continue to work towards the process of equality proofing the Scottish Budget. The Equal Opportunities Committee, in all its different compositions over the last decade, has retained a consistent commitment to and interest in the use of the national budget as a key tool in the promotion and delivery of equality policy.

There is no doubt that devolution and the creation of the new institutions provided the opportunity for a new approach to equality policy to be promoted, and

that there were significant responses to that opportunity as evidenced in the machinery introduced to support it. The founding principles of the Scottish Parliament of equality of opportunity, transparency, accountability and accessibility were key ingredients of the much-heralded "new politics" thought to be possible in Scotland. GBA as a concept, and the access of the SWBG early on, are testament to the newness of the institutions and the principles to which they aspired.

Devolution opened up Scottish political institutions, at least for a brief moment, to allow access for groups like SWBG who have maintained their presence and authority by building their knowledge and key alliances nationally and internationally. SWBG continues to press for change and is an effective advocate within EPBPAG and to the parliamentary committees. So while this is all evidence of a greater plurality to the dimensions of Scottish politics, the intermittent progress on commitments to gender equality in the Scottish budget process is also evidence of a variable political commitment and a failure to embed the practice deep in the workings of Scottish government to date. The new politics in Scotland has been built around values distinct from the adversarial politics in Westminster. Yet aspirations for gender equality need to be fought for within the new institutions to be maintained.

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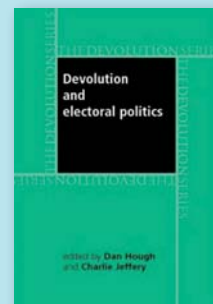


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# Where does devolution go next? Options for the next decade

By Alan Trench

## An uncertain future.

Devolution was never a carefully thought-through set of reforms. It was founded on the key goals of maintaining the UK as a single state by granting limited measures of self-government to Scotland, Wales and Northern Ireland, while not altering such key aspects of the state as the powers of the UK Parliament or representation in it, the way devolved services in Scotland and Wales were financed, or the single UK economy, labour market and system of social security.



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of the Scottish public in opinion polls, and the SNP's picture of an economic future for Scotland as part of an "arc of prosperity" has taken a severe dent with the economic collapses of Ireland and Iceland, and with the need for a UK Government bail-out of the totemically Scottish banks. But it remains a realistic possibility, as much for reasons of politics elsewhere in Britain as for purely Scottish factors.

The key factor is where the British parties draw their support from. As the Conservatives' electoral base is principally in England, the party has flirted in the past with forms of "English nationalism" which certainly appeal to its core voters and supporters in the media. Consequently, the idea of Conservatives saying "stuff the Scots" (and Welsh) has considerable political logic. David Cameron has made it clear that he is opposed to this – that he is a strong unionist, who is happy to "respect" and work with the devolved institutions in Scotland, Wales and Northern Ireland, while viewing them as integral parts of the UK. So Conservative willingness to embrace break-up so they can pursue "English" policies without hindrance seems unlikely – although under a different leader, that might change.

A more likely scenario for break-up would be a Conservative UK government that sought to maintain the constitutional status quo while exercising to the full the powers that the UK Government retains. This would cause serious intergovernmental friction with Scotland and Wales (not least because the Welsh arrangements call for the incremental increase in the powers of the National Assembly), while doing nothing to redress English concerns about the implications of devolution and the favourable treatment Scotland is perceived to get. A Conservative UK Government that pursued Thatcherite policies would rapidly polarise the issue. Faced with financial stringency and the limited support for the Conservatives in Scotland or Wales, it would be easy for political nationalists in Scotland and Wales to offer the choice between remaining subject to an unsympathetic, even illegitimate UK Government and opting for an independent social-democratic state. That would be a hard choice for many traditional Labour voters in Scotland and Wales, especially

if they see little chance of a suitable Labour government returning to power at UK level.

## A decentralised social-democratic union

If Labour had seized the opportunities open to it, it could have used devolution to embed a form of social democracy that would seriously inhibit Conservative ambitions – ensuring that there were political bastions for Labour in Scotland and Wales, and that the institutions to support these gave effect to social democratic values. This would have involved explicitly identifying the UK as a zone of common social citizenship, where some broadly-defined common social rights prevailed across the whole country, supported by a redistributive financial framework and a great deal of autonomy in delivery

"[A] Conservative UK government that sought to maintain the constitutional status quo while exercising to the full the powers that the UK Government retains [...] would cause serious intergovernmental friction with Scotland and Wales, while doing nothing to redress English concerns about the implications of devolution..."

within that framework.

Labour however ducked the opportunity to do this explicitly, largely because doing redistribution properly would mean reducing the generous funding Scotland receives thanks to the Barnett formula, as well as opening up difficult questions about England. While elements of this approach may underpin the work of the Commission on Scottish Devolution chaired by Sir Kenneth Calman (due to report in June or July 2009), that will only be to a limited extent. In any case, time will be very short for Labour to implement proposals arising from the Commission (it will have less than six months of Parliamentary time). This opportunity is, for practical purposes, off the cards.

## Devolution plus

This means that some form of extended devolution becomes very attractive to all involved, in London as well as Edinburgh or Cardiff. Such an approach would involve some extensions in devolved legislative powers (though in Scotland it is hard to identify what these might be without starting to fragment the integrated UK economy, labour market and system of social security), along with changes in the financial system. These would probably involve a measure of fiscal autonomy, at least for Scotland, along with a reconstructed basis for grant so that it related more directly to need.

The devolved administrations were therefore not much more than popularly-elected spending agencies. The organisation and practice of government in Whitehall did not change, nor was there any significant devolution within England. The upshot was that devolution is deeply asymmetric, with different institutions in Scotland, Wales and Northern Ireland each with different powers, different interests and different relationships with UK institutions. It represents a form of pragmatic incrementalism taken to a high degree.

It was quite possible to maintain a system with all these internal tensions and contradictions while times were good – while Labour dominated all three British governments and had strong public support, and while the economy was healthy and public spending was growing. The times are not good any more. Labour in London has to contend with a coalition with Plaid Cymru in Wales, a minority SNP government in Scotland, great pressure on public spending, and the likelihood of a Conservative UK Government by the summer of 2010. That makes life difficult for all the actors involved – whether it is the future Tory government, or Labour interests in Scotland or Wales. What are the options for how devolution might develop in the future?

## Break-up of the UK

Perhaps it is best to start with the most apocalyptic scenario. The UK could break up, with Scotland becoming an independent state, perhaps followed in due course by Wales. The desire of the SNP to achieve this is only a small part of the story – independence seldom gets more than the support of 30 per cent

This would enable and require the Scottish Government to pay for better public services from resources available within Scotland, while also making it more acceptable in England. For Wales, this approach would mean holding the referendum and bring in the "primary legislative powers" set out in Part 4 of the Government of Wales Act 2006 as soon as possible.

How far a UK Government might wish to go down this path is one of the big questions. If it were determined to resist Scottish independence but had to deal with a strong SNP, it might go a long way down it. But it will have to balance that against the views of its own members and MPs, and also the problems that arise from the sort of deep asymmetry that would imply. Indeed,

one of the big issues for the UK institutions generally is whether they wish to continue to manage relations with Scotland and Wales (and Northern Ireland) bilaterally, or to try to do so more multilaterally. The problems caused by three sets of bilateral relationships are starting to increase.

### Conclusions

Devolution bedded in easily, and had an easy time during the first two terms of the devolved legislatures. Perhaps people did not realise just



**Unionism or England?** David Cameron may hold the key to the future course of devolution should he become Britain's next prime minister.

photograph: public domain

how easy times were then. Governments, particularly in London, made little effort to ensure that the system was robust and durable while the going was good. It clearly cannot cope with the strains to which it is now subject, so change is inevitable. The big question will be how imaginative and forward-thinking a new Conservative government – which will have to face these issues – will be.

## Wales takes centre stage - at last

By Atle L. Wold

**Growth in the shadows.** Devolution has traditionally been piloted by demands from Scotland. It can safely be argued that it was the case of Scotland which brought devolution onto the political agenda in the second half of the 20th century (in the same way as it was the case of Ireland which forced British politicians to consider devolution or "home rule" in the second half of the 19th century).



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produced only the slimmest of majorities in favour. A marginal majority of 50.3% of the voters supported devolution to Wales, with a turnout of only 50.1%. Since the devolved legislatures were opened in 1999, the focus has also been primarily on the Scottish Parliament, an attention which has been further strengthened by the advent of the SNP minority government in 2007.

Nevertheless, there is a good case for arguing that some of the most significant current developments are taking place in Wales. First of all, it is clear that the Welsh have been warming to devolution for a considerable period of time. The very slim majority achieved in 1997 may mask the fact that the *growth* in support for devolution from 1979 to 1997 was quite simply remarkable, and far more so than in Scotland. Moreover, this development has continued after the Assembly was opened in 1999, to the extent that about three quarters of the Welsh electorate now support devolution.

The Welsh have thus clearly grown accustomed to – and taken a liking to – both the *principle* of devolution and devolution in *practice*. What is more, people in Wales have grown sufficiently accustomed to devolution for many of them to request that *more* power be invested in the Welsh Assembly. They have seen how the *primary* legislative powers given to the Scottish Parliament have made that institution far more effective than the Welsh Assembly, whose proposals for new laws have to go via Westminster before they can be implemented.

Through the 2006 Government of Wales Act, the present Labour government has responded to the call for more devolution to Wales, though only in a partial manner. The Act provides for a more streamlined process of passing legislation for Wales, but does not yet provide the Welsh Assembly with primary legislative powers (although it contains provisions for a future implementation of such powers).

Several reasons for Labour's reluctance can be cited. On the one hand, there is the "shadow of 1979" – the view that the

**"People in Wales have grown sufficiently accustomed to devolution for many of them to request that more power be invested in the Welsh Assembly."**

Welsh cannot *really* be trusted to support devolution, and that the government might consequently lose a referendum on giving greater powers to the Welsh Assembly. On the other hand, there is also a matter of party political consideration in play. If the Welsh Assembly was given similar powers to the Scottish Parliament,

Welsh representation in Westminster would be expected to be reduced in the same fashion as the number of Scottish MPs was reduced before the 2005 election. And who would stand to lose from a reduction in the number of Welsh MPs, if not Labour? Until this reluctance is surmounted, the Welsh will have to contend with a devolution arrangement which is second rate to that of Scotland and which thus maintains the difficult asymmetric structure of devolution.

*I am indebted to Professor Richard Wyn Jones at the University of Cardiff for generously providing me with material on devolution to Wales.*



# British Politics Society, Norway - 2008 in retrospect



2008 has been yet another important and agreeable year for the British Politics Society, Norway. The society has carried out a number of activities, including the publication of four issues of *British Politics Review*. The society also acted as host for a seminar with highly profiled speakers.

The topic of issue 1/08 of *British Politics Review*, released in mid-February, was Britain's long-term ambivalent relationship with continental Europe. 35 years had passed since Britain entered the European Union (EU), and a competent group of guest writers contributed with articles sharing their views on this and related issues. They included *Jan Petersen MP*, *Dag Seierstad*, *Victor Rothwell*, *Ian Bache* and *Bjørn Høyland*.



**Britain and Europe 35 years:** Kenneth Clarke MP gave the keynote address at the Society's well-attended seminar on 15 April 2008 marking the anniversary of Britain's entry into the EU.

*Photograph: Ragnar Lie*

On 15 April, the society followed up by hosting a seminar to mark the anniversary of Britain's entry into the EU. The seminar took place at Blindern

University campus, in collaboration with the Department of Political Science, University of Oslo. The Rt. Hon. *Kenneth Clarke MP*, a former British Home Secretary and Chancellor of the Exchequer in John Major's Conservative governments, shared his thoughts on Britain's approach to Europe. Professor *Ian Bache* from Sheffield University followed with an engaging presentation of "the quiet Europeanisation of British politics". On the Norwegian side, the experienced Labour MP *Marit Nybakk* gave a presentation of Norwegian relations with the EU, and pointed at differences and similarities with the British case.

A few days prior to the event, board members *Øivind Bratberg* and *Kristin M. Haugevik* published an Op. Ed. on the linkages between Norway and Britain's approaches to the EU, in the Norwegian newspaper VG.

In mid-May, issue 2/08 of *British Politics Review* was released. The issue dealt with the causes, conduct and consequences of the British Empire. Guest contributors were *Peter Cain*, *John Erik Fossum*, *Jeremy A. Crang* and *Jacob Lothe*.

Around the same time, the society arranged its second ordinary Annual General Meeting. At this meeting, *Øivind Bratberg* and *John-Ivar Svinsås Olsen* were re-elected as, respectively, president and secretary of the society for another two-year period. Similarly, *Kristin M. Haugevik* and *Atle L. Wold* were re-elected as, respectively, vice-president and scholarly responsible for another year. In addition, *Ragnhild Vestli* was elected as deputy board member. Other key topics on the meeting agenda were the approval of the annual accounts for 2007 and the budget for 2008.

Issue 3/08 of *British Politics Review* appeared in August, and discussed visions and prospects for British environmentalism. The many guest contributors included *Thorbjørn Berntsen*, *Martin Horwood MP*, *Martin White*, *David J. Hutchinson*, *Hans Andreas Starheim*, *Ellen Svendsen*, *Tiina Ruohonen*, *Christian Bjørnæs*, *Mark Brown* and *Lars Mediaas*.

In issue 4/08, released in November, the overall topic was the complex relations between Britain and the United States. Guest contributors were *Inge Lønning MP*, *David Lidington MP*, *Andrew Gamble*, *Harry Dickinson*, *Ragnhild Vestli*, *Johan Elsness* and *Alf Tomas Tønnessen*.

In 2008, the board of British Politics Society, Norway has consisted of *Øivind Bratberg* (President), *Kristin M. Haugevik* (Vice President), *Atle L. Wold* (Scholarly Responsible), *John-Ivar S. Olsen* (Secretary) and *Ragnhild Vestli* (Deputy Board Member).

The society has received financial support in 2008 from the Department of Political Science at the University of Oslo and from the Norwegian Ministry of Foreign Affairs. All available funds for 2008 have been directed at covering the expenses for everyday management. The society's main expenditure continues to be the printing and distribution of *British Politics Review*.



## Membership

Would you like to become a member of the British Politics Society, Norway? Membership is open to everyone and includes

- Subscription to four editions of *British Politics Review*
- Access to any event organised by the society
- The right to vote at our annual general meetings

Your membership comes into force as soon as the membership fee, NOK 100,- for one year, has been registered at our account 6094.05.67788.

For more information see our website at [www.britishpoliticsociety.no](http://www.britishpoliticsociety.no)

## Forthcoming edition of British Politics Review

*Britishness* has become a catchword where the basis for cohesion in today's Britain is debated. Devolution, European integration and multiculturalism are developments which have put Britishness under renewed scrutiny in later years. It has also been a favourite theme of the Prime Minister, Gordon Brown.

The next edition of *British Politics Review* raises

the topic of Britishness. What does it essentially mean to be British? How valid is the perception of Britishness as a common bond of Englishmen, Welshmen and Scots today? Moreover, does Europe remain the antagonist in the narrative of what it is to be British?

The effects of multiculturalism on Britishness is also a topic worth investigating. To what extent are

immigrants part of the common thread shared by Britons, and how is the imperial legacy integrated in the concept today?

Articles from readers of *British Politics Review* are very welcome. Please get in touch with the editors at [mail@britishpoliticsociety.no](mailto:mail@britishpoliticsociety.no) for further details.

The summer edition of *British Politics Review* is due to arrive in August 2009.